

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MAHIN SAEID, ) Case No. 2:12-cv-01826-APG-PAL  
vs. ) Plaintiff, ) **ORDER**  
DESERT PALACE, INC., et al., ) Defendants. )  
 ) (Mtn to Strike - Dkt. #61)  
 ) (Mtn Amend Deadlines - Dkt. #66)

Before the court is Defendant Desert Palace, Inc.’s Motion to Strike Plaintiff’s Supplemental Expert Report (Dkt. #61), and Plaintiff’s Ex Parte Motion for Sanctions Pursuant to Fed. R. Civ. P. 37, or in the Alternative, Motion to Amend or Extend Deadlines in Scheduling Order (Dkt. #66). Plaintiff’s motion and attachments were docketed as an “ex parte” motion and filed under seal. As a result, it was not electronically served on opposing counsel. There is no proof of service indicating that the motion was served on opposing counsel. It appears the motion was erroneously filed on a “ex parte” basis because only one side requests relief. However, there is no justification for filing the motion under seal or failing to serve it on opposing counsel. Accordingly,

**IT IS ORDERED** that:

1. Plaintiff shall file the Motion for Sanctions Pursuant to Fed. R. Civ. P. 37, or in the Alternative, Motion to Amend or Extend Deadlines in Scheduling Order (Dkt. #66) in the public record and serve it on opposing counsel.
  2. Counsel for Defendants shall have until November 18, 2013, to file a response to the Motion (Dkt. #66).

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3. A hearing on both Motions (Dkt. ##61, 66) is set for Tuesday, **November 26, 2013, at 10:30 a.m.**

Dated this 4th day of November, 2013.

Peggy A. Teer  
PEGGY A. TEER  
UNITED STATES MAGISTRATE JUDGE